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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,473	03/15/2004	Robert L. Rae	18279-14446	1521
758 7590 09/05/2008 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER LIU, BEN H				
ART UNIT 2616		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,473

Applicant(s)

RAE ET AL.

Examiner

BEN H. LIU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-22, 24-32, 34, and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-22, 24-32, 34, and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 24 January, 2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment/response filed on May 28th, 2008.
2. Claims 1, 21, 24, 34, 36, and 37 have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-19, 21-22, 24,-32, 34, and 36-40 are currently pending.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-4, 6-15, 17-18, 21-22, 24-32, 34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogossiants et al. (U.S. Patent 6,985,478) in view of Heilmann et al. (U.S. Patent 6,320,948).

For claim 1, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility comprising:

a first processor-based system coupled to a plurality of telephone terminals (*see figure 5, which discloses telephone stations 31, 33, 35, and 37 in a facility 93*) disposed within a facility, the first processor-based system disposed locally with respect to the facility, the first processor-based system providing an interface to a digital data network providing an interface to a digital communication of voice signals associated with one or more of the plurality of telephone terminals with user terminals external to the facility (*see figure 5, which recite a router 29 in a facility 93 that provides an interface 26 to digital network 15*),

a second processor-based system coupled to the first processor-based system and disposed remotely from the facility (*see column 11 lines 26-28, 57-61 and figure 5, which recite*

a T-Server call control mechanism that is located remotely from facility 93), the second processor-based system providing at least one aspect of call processing functionality for controlling the digital communication (see column 11 lines 18-21 and figure 5, which recite a T-Server that functions as a call-control mechanism for calls between networks 13, 15, and 93), and

the second processor-based system providing unauthorized call activity determination functionality to monitor connected calls at a point outside the digital data network (see column 14 lines 43-49 and column 16 lines 50-54, which recite a Call Control Entity analogous to the T-Server call control mechanism 95) and to provide call intelligence for use in determining whether a particular call between one of said plurality of telephone terminals and one of said user terminals should be allowed to continue (See column 22 lines 2-7, which recite the Call Control entity that provides Hang-up requests if a call is not allowed to continue).

Pogossiants et al. disclose all the subject matter of the claimed invention with the exception wherein the facilities are prison facilities. However, Pogossiants et al. disclose a facility with multiple telephone terminals that comprises a call processing system for use in processing calls associated with the facility (*see column 4 lines 37-62*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the call center call processing system for use in processing calls associated with the facility as taught by Pogossiants et al. in a prison facility by coupling router and T-Server equipment to direct calls. The motivation for using the call center call processing system in a prison facility is to improve the configurability of the telephony system by providing a consistent call model for call control.

For claim 2, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the digital communication comprises transmission of voice over Internet protocol data packets through the digital data network interface. *(See column 4 lines 63-67, which recite a Voice over Internet Protocol network environment in which the call control and call switching mechanisms reside).*

For claim 3, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the first processor-based system provides call connection switching under control of the at least one aspect of call processing functionality provided by the second processor-based system *(See column 4 lines 37-62, which recite a call switching mechanism controlled by a call control mechanism in the digital network. Figure 5 discloses the call control mechanism T-Server 95 and router 21 that is remote from the facility 93).*

For claim 4, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the at least one aspect of call processing functionality provided by the second processor-based system comprises a call routing determination *(See column 4 lines 37-62, which recite a call control mechanism that provides commands to successfully construct call connections through the appropriate routes).*

For claim 6, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the at least one aspect of call processing functionality provided by the second processor-based system comprises a billing determination *(See column 12 lines 47-61, which recite handling bill collection and credit analysis within the network).*

For claim 7, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the second processor-based system comprises a call processing platform providing remote call control with respect to the first processor-based system (*See column 11 lines 10-25, which recite the call control mechanism comprising the T-Server 95 and router 21. The call control mechanism monitors activity at the router and exercises control at various levels over operation of the router. Figure 5 discloses the call control mechanism T-Server 95 and router 21 that is remote from the facility 93*).

For claim 8, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the call processing platform provides centralized call control with respect to a plurality of processor-based systems disposed at corresponding sites for which calling services are provided (*See column 11 lines 26-35, which recite additional processors at various networks including the PSTN where calling services are being provided in addition to the centralized call processing at the T-Server of the call center*).

For claim 9, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the first processor-based system comprises a voice over Internet protocol gateway (*See column 5 lines 1-3, which recite a call switching mechanism that is a Voice over Internet Protocol gateway*).

For claim 10, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the second processor-based system comprises a network edge device of the digital data network (*See column 11 lines 49-61 and figure 5, which recite call control mechanism T-Server 95 and router 21 in the Internet network as a network edge device*).

For claim 11, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the network edge device provides a gateway between the digital data network and another network (*See column 11 lines 49-61 and figure 5, which recite call control mechanism T-Server 95 and router 21 at the Internet network which is coupled to bridge 87 to the PSTN*).

For claim 12, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the another network comprises a public switched telephone network (*See column 11 lines 49-61 and figure 5, which recite call control mechanism T-Server 95 and router 21 at the Internet network which is coupled to bridge 87 to the PSTN*).

For claim 13, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the network edge device comprises a voice over Internet protocol gateway (*See column 15 lines 17-32 and figure 6, which recite an IP router 607 which conforms to VoIP*).

For claim 14, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the at least one aspect of call processing functionality provided by the second processor-based system comprises three-way call detection (*See column 20 lines 12-28, which recite a multi-party connection by establishing more than two call legs. A unique address is recited for each endpoint, thus a third endpoint attempting to establish a three-way call will be detected*).

For claim 15, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the three-way call detection is provided at an edge of the data network remote from the first processor-based system (*See column 19 lines 64-67 and*

column 20 lines 12-20, which recite an IP router 1110 at the network edge responsible for establishing and detecting multi-party calls).

For claim 17, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the second processor-based system provides a plurality of call processing functions *(See column 11 lines 10-25, which recite the call control mechanism comprising the T-Server 95 and router 21. The call control mechanism monitors activity at the router and exercises control at various levels over operation of the router).*

For claim 18, Pogossiants et al. disclose a call processing system for use in processing calls associated with a facility, wherein the plurality of call processing functions comprise a call billing function *(See column 12 lines 47-61, which recite handling bill collection and credit analysis within the network)*, a call routing function *(See column 4 lines 37-62, which recite a call control mechanism that provides commands to successfully construct call connections through the appropriate routes)*, and a validation function *(See column 20 lines 56-67, which recite a switching entity (SWE) that checks whether each call connection request is valid).*

For claim 21, Pogossiants et al. disclose a call processing system comprising: a call processing platform coupled, via digital data links, to a plurality of facilities for which calling services are provided, the call processing platform being coupled to a carrier network for providing calling connections, wherein the call processing platform includes call application management functionality controlling connecting calls over the digital data links and terminating in one of the plurality of facilities to the carrier network through the call processing platform *(see column 11 lines 10-21 and figure 5, which recite a call center 93 containing a T-Server that functions as a call-control mechanism for calls between facilities at networks 13 and 15);*

the call processing platform providing unauthorized call activity determination functionality to monitor connected calls at a point outside the digital data links (*see column 14 lines 43-49 and column 16 lines 50-54, which recite a Call Control Entity analogous to the T-Server call control mechanism 95*) and to provide call intelligence for use in determining whether a particular call between a telephone terminal within one of the facilities and a user terminals external to the facilities should be allowed to continue (*See column 22 lines 2-7, which recite the Call Control entity that provides Hang-up requests if a call is not allowed to continue*), and

call processing gateways associated with ones of the plurality of facilities, wherein the call processing gateways operate to provide interfacing between analog user terminals and the digital data links, the call processing gateways operable under control of the call processing platform to control connection of calls over the digital data links (*see figure 5, which recite a router 29 that provides an interface 26 between facility 93 and digital network 15*)

wherein the call processing gateways are disposed at the plurality of facilities (*see figure 5, which recite a router 29 in a facility 93 that provides an interface 26 to digital network 15*) and the call processing platform is disposed remotely with respect to the call processing gateways (*see column 11 lines 26-28, 57-61 and figure 5, which recite a T-Server call control mechanism that is located remotely from facility 93*).

Pogossiants et al. disclose all the subject matter of the claimed invention with the exception wherein the facilities are prison facilities. However, Pogossiants et al. disclose a facility with multiple telephone terminals that comprises a call processing system for use in processing calls associated with the facility (*see column 4 lines 37-62*). Thus, it would have been

obvious to the person of ordinary skill in the art at the time of the invention to use the call center call processing system for use in processing calls associated with the facility as taught by Pogossiants et al. in a prison facility by coupling router and T-Server equipment to direct calls. The motivation for using the call center call processing system in a prison facility is to improve the configurability of the telephony system by providing a consistent call model for call control.

For claim 22, Pogossiants et al. disclose a call processing system, wherein the digital data links provide voice over Internet protocol data communication between the plurality of facilities and the call processing platform to carry call content as digital data (*See column 4 lines 63-67, which recite a Voice over Internet Protocol network environment in which the call control and call switching mechanisms reside*).

For claim 24, Pogossiants et al. disclose a call processing system, wherein the unauthorized call activity detection comprises three-way call detection (*See column 20 lines 12-28, which recite a multi-party connection by establishing more than two call legs. A unique address is recited for each endpoint, thus a third endpoint attempting to establish a three-way call will be detected*).

For claim 25, Pogossiants et al. disclose a call processing system, further comprising call control functionality provided by a network edge device in addition to the call processing platform and the call processing gateway (*See column 11 lines 49-61 and figure 5, which recite call control mechanism T-Server 95 and router 21 in the Internet network as a network edge device. The T-Server at call center 93 acts as the call processing gateway*).

For claim 26, Pogossiants et al. disclose a call processing system, wherein the call control functionality provided by the call processing gateway and the call control functionality

provided by the network edge device operate cooperatively to control calls (*See column 11 lines 49-61 and figure 5, which recite call control mechanism T-Server 95 and router 21 in the Internet network as a network edge device. The T-Server at call center 93 acts as the call processing gateway. The T-Servers communicate with each other to control calls*).

For claim 27, Pogossiants et al. disclose a call processing system, wherein the cooperative operation comprises redundant detection of calling activity (*See column 11 lines 62-67 and column 12 lines 1-3, which recite a T-Server which checks whether a call has been misrouted due to error before the call receives the call center*).

For claim 28, Pogossiants et al. disclose a call processing system, wherein the cooperative operation comprises detection of different calling activities (*See column 11 lines 10-25, which recite the call control mechanism comprising the T-Server 95 at router 21 and router 21 which cooperate to control calls. The call control mechanism monitors activity at the router and exercises control at various levels over operation of the router*).

For claim 29, Pogossiants et al. disclose a call processing system, wherein the cooperative operation comprises shared partial processing of calling activity detection (*See column 11 lines 26-35, which recite a T-Server at the network level and a T-Server at the call center. Certain routing and control routines can be executed at the network level T-Server instead of at the call center T-Server*).

For claim 30, Pogossiants et al. disclose a call processing system, wherein the call processing gateways provide interfacing between at least one analog telephone line interface and the digital data links (*See figure 6, which recites analog telephone line 619 on the PSTN 617 that is connected to the LAN 604 by the CTI server 606*).

For claim 31, Pogossiants et al. disclose a call processing system, wherein the call processing gateways comprise voice over Internet protocol gateways (*See column 5 lines 1-3, which recite a Voice over Internet Protocol gateway*).

For claim 32, Pogossiants et al. disclose a call processing system, wherein the call processing gateways provide at least one local area network interface for coupling a computer workstation to the call processing platform via the digital data links (*See figure 6, which recites computer workstations 601 and 621 that are connected to the call processing CTI server 606 through the local area network 604*).

For claim 34, Pogossiants et al. disclose a method for providing call processing, the method comprising: coupling a centralized call processing platform to a plurality of facilities via a digital data link; coupling the centralized call processing platform to a carrier network for providing calling connections (*see column 11 lines 10-21 and figure 5, which recite a call center 93 containing a T-Server that functions as a call-control mechanism for calls between facilities at networks 13 and 15*);

interfacing one or more telephone terminal within the facilities with the digital data link (*see figure 5, which discloses a router 29 that interfaces with telephone stations 31, 33, 35, and 37 in a facility 93*);

invoking call application management functionality of the centralized call processing platform to control connecting calls over the digital data links and terminating with one of the telephone terminals to the carrier network through the call processing platform (*see column 11 lines 10-21 and figure 5, which recite a call center 93 containing a T-Server that functions as a call-control mechanism for calls between facilities at networks 13 and 15*); and

monitoring connected calls at a point outside the digital data links to provide call intelligence for use in determining whether a particular call between one of said telephone terminals and a user terminal external to the facilities should be allowed to continue (*see column 22 lines 2-7, which recite the Call Control entity that provides Hang-up requests if a call is not allowed to continue*).

Pogossiants et al. disclose all the subject matter of the claimed invention with the exception wherein the facilities are prison facilities. However, Pogossiants et al. disclose a facility with multiple telephone terminals that comprises a call processing system for use in processing calls associated with the facility (*see column 4 lines 37-62*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the call center call processing system for use in processing calls associated with the facility as taught by Pogossiants et al. in a prison facility by coupling router and T-Server equipment to direct calls. The motivation for using the call center call processing system in a prison facility is to improve the configurability of the telephony system by providing a consistent call model for call control.

For claim 36, Pogossiants et al. disclose a method for providing call processing, wherein the unauthorized call activity comprises three- way calling (*See column 20 lines 12-28, which recite a multi-party connection by establishing more than two call legs. A unique address is recited for each endpoint, thus a third endpoint attempting to establish a three-way call will be detected*).

For claim 37, Pogossiants et al. disclose a method for providing call processing, wherein the monitoring is performed by the centralized call processing platform (*See column 11 lines 10-25, which recite centralized call processing at the T-Server 95 of the call center 93*).

For claim 38, Pogossiants et al. disclose a method for providing call processing, wherein the control connecting calls comprises: validating an aspect of the call (*See column 20 lines 56-67, which recite a switching entity (SWE) that checks whether each call connection request is valid*); determining call routing (*See column 4 lines 37-62, which recite a call control mechanism that provides commands to successfully construct call connections through the appropriate routes*); determining call acceptance by a called party (*See column 21 lines 12-18, which an endpoint device that replies with a Setup message if the end user answers the call*); and creating call billing information (*See column 12 lines 47-61, which recite handling bill collection and credit analysis within the network*).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pogossiants et al. (U.S. Patent 6,985,478) in view of Simpson (U.S. Patent 6,788,775).

For claim 5, Pogossiants et al. disclose all the subject matter of the claimed invention with the exception that the second processor-based system comprises a PIN verification determination. Simpson from the same or similar fields of endeavor disclose a telephone network call processing service (*see abstract*) that uses PIN number verification to allow access to the network (*see column 5 lines 6-12*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the PIN verification in the telephone system as taught by Simpson with the call processing system as taught by Pogossiants et al. The PIN verification in the telephone system can be implemented by deploying a service control point (SCP) 50 as taught by Simpson alongside the call control mechanisms in the call processing system as taught by Pogossiants et al. The motivation for using the PIN verification

system as taught by Simpson with the call processing system as taught by Pogossiants et al. is to improve the security of the system by prevent authorized access to the telephone network.

11. Claims 19, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogossiants et al. (U.S. Patent 6,985,478) in view of Heilmann et al. (U.S. Patent 6,320,948).

For claim 19, Pogossiants et al. disclose all the subject matter of the claimed invention with the exception that the plurality of call processing functions comprises call monitoring and call recording. Heilmann et al. from the same or similar fields of endeavor disclose a telephone security system comprising a remote management station that monitors and records inbound and outbound calls (*see column 2 lines 1-11*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use remote management station that monitors and records inbound and outbound calls as taught by Heilmann et al. with the call processing system as taught by Pogossiants et al. The remote management station that monitors and records inbound and outbound calls can be implemented by deploying the telephony access control device as taught by Heilmann et al. alongside the call control mechanisms in the call processing system as taught by Pogossiants et al. The motivation for using the security measures in the telephone security system as taught by Heilmann et al. with the call processing system as taught by Pogossiants et al. is to provide a scalable and manageable telephony security system and method for controlling and logging access to an enterprise's telephone resources.

For claim 40, Pogossiants et al. disclose all the subject matter of the claimed invention with the exception that the plurality of call processing functions comprises call monitoring and call recording. Heilmann et al. from the same or similar fields of endeavor disclose a telephone

security system comprising a remote management station that records inbound and outbound calls (*see column 2 lines 1-11*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use remote management station that records inbound and outbound calls as taught by Heilmann et al. with the call processing system as taught by Pogossiants et al. The remote management station that records inbound and outbound calls can be implemented by deploying the telephony access control device as taught by Heilmann et al. alongside the call control mechanisms in the call processing system as taught by Pogossiants et al. The motivation for using the security measures in the telephone security system as taught by Heilmann et al. with the call processing system as taught by Pogossiants et al. is to provide a scalable and manageable telephony security system and method for controlling and logging access to an enterprise's telephone resources.

12. Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogossiants et al. (U.S. Patent 6,985,478) in view of Aldous et al. (U.S. Patent 6,654,722).

For claim 16, Pogossiants et al. disclose all the subject matter of the claimed invention with the exception that the call processing system and method provides speech recognition operable with respect to at least one of said plurality of telephone terminals disposed within the facility and the user terminals external to the facilities. Aldous et al. from the same or similar fields of endeavor disclose a voice over internet protocol based speech system that includes a speech recognition engine (*see column 3 lines 7-15*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the voice over internet protocol based speech system that includes a speech recognition engine as taught by Aldous et al.

with the call processing system as taught by Pogossiants et al. The voice over internet protocol based speech system that includes a speech recognition engine can be implemented by installing the speech recognition engine as taught by Aldous et al. in the call control mechanisms of the call processing system as taught by Pogossiants et al. The motivation for using the voice over internet protocol based speech system that includes a speech recognition engine as taught by Aldous et al. with the call processing system as taught by Pogossiants et al. is to provide a VoIP-based speech application that remains separate from the design and implementation of the IP telephony system. This allows the redesign of speech applications compelled by superior voice transport protocol without redesigning the entire network.

For claim 39, Pogossiants et al. disclose all the subject matter of the claimed invention with the exception that the call processing system and method provides speech recognition to the telephone terminals. Aldous et al. from the same or similar fields of endeavor disclose a voice over internet protocol based speech system that includes a speech recognition engine (*See column 3 lines 7-15*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the voice over internet protocol based speech system that includes a speech recognition engine as taught by Aldous et al. with the call processing system as taught by Pogossiants et al. The voice over internet protocol based speech system that includes a speech recognition engine can be implemented by installing the speech recognition engine as taught by Aldous et al. in the call control mechanisms of the call processing system as taught by Pogossiants et al. The motivation for using the voice over internet protocol based speech system that includes a speech recognition engine as taught by Aldous et al. with the call processing system as taught by Pogossiants et al. is to provide a VoIP-based speech application that remains

separate from the design and implementation of the IP telephony system. This allows the redesign of speech applications compelled by superior voice transport protocol without redesigning the entire network.

Response to Arguments

13. Claims 1-40 were provisionally rejected on the grounds of nonstatutory Obviousness-Type Double Patenting over claims 1-58 of copending Application No. 09/905014. The Applicant's arguments, filed May 28th, 2008, with respect to the Obvious-Type Double Patenting rejection have been fully considered. The instant application and copending Application No. 09/905014 have been separated amended to overcome the Obviousness-Type Double Patenting rejection. In response, the examiner has withdrawn the rejections.

14. Claims 12, 21 and 33 were previously rejected under 35 USC 112 2nd paragraph. It is noted with appreciation that the Applicant has amended the claims to overcome the rejection. In response, the examiner has withdrawn the rejections.

14. Applicant's arguments with respect to claims 1-19, 21-22, 24,-32, 34, and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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